

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 21, 2018**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 21, 2018, was called to order by Mayor Nakanishi at 6:30 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Absent: Mayor Pro Tempore Mounce

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6 (CM)
- b) Pending Litigation: Government Code §54956.9(a); One Case: Kemper Independence Insurance Company v. City of Lodi, et al., San Joaquin County Superior Court, Case No. STK-CV-UPI-2016-0000451 (CA)
- c) Prospective Sale of Real Property Located at 705 East Lodi Avenue, Lodi, California, Known as Former Fire Station 2, Owned by the City of Lodi; APN: 043-230-06; Government Code §54956.8 (CM)

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:05 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2 a) was not discussed.

Items C-2 b) and C-2 c) were discussion and direction given with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of February 21, 2018, was called to order by Mayor Nakanishi at 7:05 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Mayor Pro Tempore Mounce participated in the meeting via teleconference.

B. Presentations

B-1 Quarterly Update from the Greater Lodi Area Youth Commission (PRCS)

Commissioners Emma Colarossi and Ashley Delu provided the quarterly update from the Greater Lodi Area Youth Commission, including the successful Pig Skin dance, canned food drive for Salvation Army, and the upcoming Casino Night.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Kuehne made a motion, second by Council Member Chandler, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$7,477,237.50 (FIN)

Claims were approved in the amount of \$7,477,237.50.

C-2 Approve Minutes (CLK)

The minutes of January 17, 2018 (Regular Meeting), January 23, 2018 (Shirtsleeve Session), January 30, 2018 (Shirtsleeve Session), January 31, 2018 (Special Meeting), and February 6, 2018 (Shirtsleeve Session) were approved as written.

C-3 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (CM)

Accepted Quarterly Investment Report as required by City of Lodi Investment Policy.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Henry Glaves Playground Improvements (PW)

Approved plans and specifications and authorized advertisement for bids for Henry Glaves Playground Improvements.

C-6 Approve Specifications and Authorize Advertisement for Bids for Directional Drilling, Excavation, and Conduit Installation Services (EU)

Approved specifications and authorized advertisement for bids for Directional Drilling, Excavation, and Conduit Installation Services.

C-7 Adopt Resolution Awarding Contract for Playground Surfacing Improvements to Robertson Industries, Inc., of Tempe, Arizona (\$60,714) (PW)

Adopted Resolution No. 2018-19 awarding the contract for Playground Surfacing Improvements to Robertson Industries, Inc., of Tempe, Arizona, in the amount of \$60,714.

- C-8 Adopt Resolution Awarding Contract for Alley Improvement Project – Phase 6 to A. M. Stephens Construction Company, Inc., of Lodi (\$150,815) (PW)

Adopted Resolution No. 2018-20 awarding the contract for Alley Improvement Project - Phase 6 to A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$150,815.

- C-9 Adopt Resolution Authorizing City Manager to Execute Five-Year Lease Agreement with California National Guard for Use of Lodi Armory for Recreation Programs (PRCS)

Adopted Resolution No. 2018-21 authorizing the City Manager to execute a five-year lease agreement with California National Guard for use of Lodi Armory for recreation programs.

- C-10 Adopt Resolution Accepting Reynolds Ranch Wastewater Pipeline Extension Public Improvements (PW)

Adopted Resolution No. 2018-22 accepting Reynolds Ranch Wastewater Pipeline Extension Public Improvements.

- C-11 Adopt Resolution Authorizing Public Works Director, or Designee, to Execute and File All Documents and Funding Agreements with the California Department of Transportation for Allocations of the California State of Good Repair Program for a \$4,449 Grant; and Provide Certifications and Assurances, and Assign Public Works Director, or Designee, as the Authorized Agent for the California State of Good Repair Program (PW)

Adopted Resolution No. 2018-23 authorizing the Public Works Director, or designee, to execute and file all documents and funding agreements with the California Department of Transportation for allocations of the California State of Good Repair Program for a \$4,449 grant; and provide certifications and assurances, and assign the Public Works Director, or designee, as the authorized agent for the California State of Good Repair Program.

- C-12 Appoint Andrew Manies and Jessica Ramirez as Adult Advisors to the Greater Lodi Area Youth Commission; Jack Fiori to the San Joaquin County Mosquito and Vector Control District; and John Della Monica, Jr., to the Site Plan and Architectural Review Committee; Re-Post for Terms on the Lodi Senior Citizens Commission, the Personnel Board of Review, and the Greater Lodi Area Youth Commission (Adult Advisors); and Post for Vacancy on the Recreation Commission (CLK)

Made the following appointments:

Greater Lodi Area Youth Commission - Adult Advisor

Andrew Manies, term to expire May 31, 2021

Jessica Ramirez, term to expire May 31, 2021

San Joaquin County Mosquito and Vector Control District

Jack Fiori, term to expire December 31, 2021

Site Plan and Architectural Review Committee

John Della Monica, Jr., term to expire January 1, 2022

Directed the City Clerk to re-post for the following vacancies:

Lodi Senior Citizens Commission

Jill Hernandez, term expired December 31, 2017

Pat Hill, term expired December 31, 2017

Personnel Board of Review

James Sheeran, term expired January 1, 2018

John Stroh, term expired January 1, 2018

Greater Lodi Area Youth Commission - Adult Advisor
Nicole Grauman, term to expire May 31, 2020

Directed the City Clerk to post for the following vacancy:

Recreation Commission
Layne Van Noy, term to expire December 31, 2020

C-13 Accept Monthly Protocol Account Report Through January 31, 2018 (CLK)

Accepted Monthly Protocol Account Report through January 31, 2018.

C-14 Set Public Hearing for March 21, 2018, to Consider Resolution Adopting Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 21, 2018, to consider resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

C-15 Adopt Resolution Declaring Intention to Annex Territory to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax to Pay for Certain Public Services (Annexation No. 6); and Setting Public Hearing for April 4, 2018 (PW)

Adopted Resolution No. 2018-24 declaring intention to annex territory to Community Facilities District No. 2007-1 (Public Services) and to levy a special tax to pay for certain public services (Annexation No. 6); and set public hearing for April 4, 2018.

D. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.
Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Bill Powell notified Council of a significant nuisance problem at 524 South School Street that has been on-going for six years and is well-documented by the Police Department and Code Enforcement Division. He requested Council's assistance in resolving the issue.

Ted Police, representing the Employer Support of the Guard and Reserve (ESGR) of the Department of Defense Program, explained that ESGR is comprised of volunteers who advocate, celebrate, and recognize employees' relationship with the National Guard and their employer. He announced that Utilities Manager Lance Roberts was nominated by Water/Wastewater Maintenance Worker III Rodney Plamondon for contributing to national security and for protecting liberty and freedom. Mr. Plamondon thanked Mr. Roberts and the City of Lodi for their support and allowing him the flexibility to serve when he is called upon to do so. Mr. Roberts stated he will continue to support the National Guard and thanked Mr. Plamondon for his service.

David Claxton recognized the Council for working through the difficult process of the mapping and change to by-district elections. Further, he questioned whether the City has an ordinance regarding the sale of guns within City limits and suggested the City look into banning or limiting high-power military-style weapons.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Kuehne reported that he completed his term as Chair on the Local Agency Formation Commission and that it voted to allow Manteca to increase its sphere of influence, which he described in further detail.

Council Member Johnson responded to an e-mail sent by Mayor Pro Tempore Mounce to all Council Members relating to the by-district election map and addressed her statements relating to Council Members disappointing the Lodi community and the map being driven by the Chamber of Commerce, a "for-profit" organization, both of which he believes to be untrue.

Mayor Pro Tempore Mounce countered Council Member Johnson's statements relating to her e-mail and added the Chamber of Commerce has a political action committee, which provides donations to Council Members.

Mayor Nakanishi reported on the Eastern San Joaquin Groundwater Authority board meeting last week and asked Public Works Director Charlie Swimley to give an update on the cost sharing allocation that was approved by the board. Mr. Swimley stated Lodi's share of the cost is \$11,664 over two years to prepare the Groundwater Sustainability Plan (GSP), which was possible because of a \$1.5 million grant from the State, and that the board also approved a consulting agreement for development of the GSP.

F. Comments by the City Manager on Non-Agenda Items

None.

G. Public Hearings

G-1 Public Hearing to Take Further Input Regarding Draft Voting District Maps and Potential Sequence of District Elections as Part of the Transition to By-District Elections for City Council Members and Introduce Ordinance Adopting By-District Elections for City Council Members (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to take further input regarding draft voting district maps and potential sequence of district elections as part of the transition to by-district elections for City Council Members and introduce an ordinance adopting by-district elections for City Council Members.

City Attorney Magdich provided a presentation regarding the voting district maps and potential sequence of district elections as part of the transition to by-district elections. Specific topics of discussion included sixth and final public hearing; overview of the process and review of maps leading up to this hearing; Council direction at last hearing to draft ordinance with Map 119d and related sequencing; receipt of five revised maps and two new maps for consideration since the last hearing; letter from the Mexican-American Legal Defense and Education Fund (MALDEF) indicating it would not oppose Map 119d as map of choice; and recommendation to open public hearing for public comments and, following close of hearing, to introduce ordinance imposing by-district elections with Map 119d and election sequence of Districts 1, 2, and 3 in 2018 and Districts 4 and 5 in 2020.

Mayor Pro Tempore Mounce stated she feels Map 105b meets all of the criteria and that Map 119d does not meet the goal of having more than one representative in the downtown area and east side and that District 5 does not capture any of the east side.

Mayor Nakanishi opened the public hearing for public comment.

David Diskin stated the area around Lodi Lake on Map 119d is not contiguous because there are no homes around portions of the lake and it would be disingenuous to divide an area into two or three communities. He added he would like to hear further explanations in support of Map 119d over the others.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Chandler made comments relating to compliance with the Federal Voting Rights Act; MALDEF forcing the situation on the City; consideration of various factors when drawing the map, including the avoidance of creating head-to-head contests of incumbents previously elected by voters; and majority of voters pleased with whom they elected, based on past election results.

Council Member Kuehne made comments relating to the benefits of Map 119d and that the map meets the legal criteria, as well as the established goals of the Council. He stated he supports Map 119d.

Mayor Pro Tempore Mounce made comments relating to the association of the map's author to the Chamber of Commerce and that fundamentally the map does not take the community interests into consideration.

At the request of a member of the public, Mayor Nakanishi re-opened the public hearing for public comment.

Mike Carouba stated he was the author of the map, along with the assistance of an intern at the Chamber of Commerce who was proficient with the map-drawing tools; however, he is only a member of the Chamber, not an employee. He stated he believes it is a shame to cast aspersions on a work product based on where it originates and encouraged Council to approve Map 119d.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Chandler made a motion, second by Council Member Kuehne, to introduce Ordinance No. 1949 adopting by-district elections for City Council Members.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: Mayor Pro Tempore Mounce

Absent: None

H. Regular Calendar

H-1 Ratification of Employment Agreement Entered into Between City Manager Stephen Schwabauer and Fire Chief Eugene Stoddart (CM)

City Manager Steve Schwabauer provided information on the employment agreement for Fire Chief Eugene Stoddart, stating that Chief Stoddart served as Interim Chief for six months and has worked to build relationships and rapport with staff. He has been active at fire scenes and in the community, including building programs to engage the public with the Fire Department, and instrumental in moving the Department forward on a local level and with organizations. Specific topics of discussion regarding the employment agreement included salary equivalent to that of outgoing Chief to take into account the upgrade for serving in an interim capacity; at-will agreement with six-month severance clause if terminated without cause; and same benefits package as Executive Management, with the exception of certain benefits earned in the Mid-Management Memorandum of Understanding that will be pro-rated and vacation leave accrual to match years of service, not just time served as Chief.

Mayor Pro Tempore Mounce stated that she typically objects to the six-month severance pay; however, in this instance she will overlook it and support the recommendation based on her belief that the individual selected for the position will do an excellent job in the role.

Council Member Kuehne made a motion, second by Council Member Chandler, to ratify the employment agreement entered into between City Manager Stephen Schwabauer and Fire Chief Eugene Stoddart.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

I. Ordinances

I-1 Adopt Ordinance No. 1948 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12 – Streets, Sidewalks and Public Places – By Repealing and Reenacting Section 12.04, 'Encroachments,' In Its Entirety" (CLK)

Mayor Pro Tempore Mounce made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1948 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 12 - Streets, Sidewalks and Public Places - By Repealing and Reenacting Section 12.04, 'Encroachments,' In Its Entirety," which was introduced at a regular meeting of the Lodi City Council held February 7, 2018.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: Council Member Kuehne

Absent: None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:23 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk